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ILLICIT DRUG TRAFFIC AND SUPPLY, INCLUDING REPORTS OF THE SUBSIDIARY BODIES OF THE COMMISSION

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Reports of subsidiary bodies

Note by the Secretariat

Summary

The present report contains a summary of recent action by Governments to improve regional and subregional cooperation in drug control activities as reflected in meetings of subsidiary bodies that have been held since the thirty-ninth session of the Commission on Narcotic Drugs. Various matters brought to the attention of the Commission are contained in the individual reports of the subsidiary bodies, which are before the Commission in the languages of each meeting. Suggestions to improve the efficiency of the meetings made at the informal inter-sessional meetings of the Commission are also reflected in the present report.

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CONTENTS

	Paragraphs	*Page*
INTRODUCTION	1-2	3
I. MATTERS BROUGHT TO THE ATTENTION OF THE COMMISSION ON NARCOTIC DRUGS	3-8	3
A. Ninth Meeting of Heads of National Drug Law Enforcement Agencies, Africa	3	3
B. Twenty-first Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific	4	3
C. Provisional agendas for future meetings	5-8	3
II. MAJOR THEMES COVERED BY RECOMMENDATIONS OF SUBSIDIARY BODIES SINCE THE LAST SESSION OF THE COMMISSION	9-11	5
III. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY MEETINGS OF SUBSIDIARY BODIES	12-14	6
IV. STATUS OF REGIONAL AND SUBREGIONAL COOPERATION	15-34	6
A. Meeting of Heads of National Drug Law Enforcement Agencies, Africa	16-22	7
B. Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific	23-34	8
V. ORGANIZATION OF FUTURE MEETINGS	38-37	9
VI. DISCUSSION AT THE INFORMAL INTER-SESSIONAL MEETINGS OF THE COMMISSION ON IMPROVING THE EFFICIENCY OF MEETINGS OF THE SUBSIDIARY BODIES OF THE COMMISSION	38-39	10

INTRODUCTION

1. In an effort to cope with the budgetary constraints arising from the financial crisis facing the United Nations, only two regional meetings of heads of national drug law enforcement agencies (HONLEA) were convened since the thirty-ninth session of the Commission on Narcotic Drugs:

(a) The Ninth Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), Africa, held at Cairo from 16 to 20 June 1996;

(b) The Twenty-first Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, held at Manila from 4 to 8 November 1996.

The Eighth Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean, was postponed from 1996 to 1997. The reports of the two HONLEA meetings convened during 1996 are before the Commission in the languages of the meetings (UNDCP/HONLAF/1996/5 and UNDCP/HONLAP/1996/4).

2. The recommendations adopted at the meetings of HONLEA, Africa, and of HONLEA, Asia and the Pacific, were addressed mainly to Governments of the region and are brought to the attention of the Commission for information.

I. MATTERS BROUGHT TO THE ATTENTION OF THE COMMISSION ON NARCOTIC DRUGS

A. Ninth Meeting of Heads of National Drug Law Enforcement Agencies, Africa

3. The Ninth Meeting of HONLEA, Africa, adopted the recommendations of the working groups contained in chapter I, paragraph 1, of the report of the Meeting. Direct reference to the United Nations International Drug Control Programme (UNDCP) is limited to recommendation 4, to the effect that UNDCP should continue and increase its assistance to help countries adopt up-to-date and harmonized legislation, and should also assist States in training law enforcement agents.

B. Twenty-first Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific

4. The Twenty-first Meeting of HONLEA, Asia and the Pacific, adopted the recommendations of its working groups contained in chapter I, paragraph 1, of the report of the Meeting. The working groups were organized along subregional lines, namely, south-west Asia, south-east Asia and the Pacific. Direct reference to UNDCP is limited to recommendation 4 of the subregional group of south-east Asia, to the effect that UNDCP and the International Criminal Police Organization (ICPO/Interpol) should examine the issue of collating and disseminating intelligence on the increase in the abuse of and traffic in "ecstasy" in the subregion.

C. Provisional agendas for future meetings

5. The provisional agenda for the Eighth Meeting of HONLEA, Latin America and the Caribbean, approved at the Seventh Meeting, is as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Current situation with respect to regional and subregional cooperation, including the review of the progress made and barriers encountered in implementing article 17 of the 1988 Convention.

4. Implementation by States of the region of the recommendations adopted by the Seventh Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean.

5. Consideration of topics by working groups:

   (a) Designer drugs;

   (b) Analysis of the organizational structure of drug-trafficking organizations, including communications used between traffickers;

   (c) Controlled delivery, including the handling of informants and undercover operations.

6. Organization of the Ninth Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean.

7. Other business.

8. Adoption of the report.

6. The provisional agenda for the Tenth Meeting of HONLEA, Africa, approved at the Ninth Meeting, is as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Current situation with respect to regional and subregional cooperation.

4. Implementation by States of the region of recommendations adopted by the Eighth Meeting of Heads of National Drug Law Enforcement Agencies, Africa.

5. Consideration of topics by ad hoc working groups:

   (a) Update on illicit trafficking in ephedrine and methaqualone: trends and countermeasures;

   (b) Criminal drug trafficking networks in Africa;

   (c) Measures in collaboration with the pharmaceutical authorities for the control and reduction of street-hawking of pharmaceutical preparations containing drugs under international control;

   (d) Illicit cultivation of plants from which drugs are extracted: current situation and countermeasures;

   (e) Practical examples of international cooperation in money-laundering cases.

6. Organization of the Eleventh Meeting of Heads of National Drug Law Enforcement Agencies, Africa.

7. Other business.

8. Adoption of the report.

7. The provisional agenda for the Twenty-second Meeting of HONLEA, Asia and the Pacific, approved at the Twenty-first Meeting, is as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Current situation with respect to regional and subregional cooperation.

4. Illicit traffic in heroin.

5. Implementation by States of the region of the recommendations adopted by the Twentieth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific.

6. Consideration of topics by working groups:

   (a) Illicit manufacture and distribution of stimulants;

   (b) Drug courier profiling, including standardization of data collected for use in profiling;

   (c) Review of the functioning and objectives of the Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific.

7. Organization of the Twenty-third Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific.

8. Other business.

9. Adoption of the report.

8. The attention of the Commission is drawn to paragraph 38 below concerning a proposal made to include an additional item on the agendas of the meetings of the subsidiary bodies in 1997-1998 to review issues to be considered by the General Assembly at its special session in 1998. For venues and dates of the meetings, see paragraphs 35 to 37.

II. MAJOR THEMES COVERED BY RECOMMENDATIONS OF SUBSIDIARY BODIES SINCE THE LAST SESSION OF THE COMMISSION

9. The topics discussed in the working groups of the two meetings that took place were illicit manufacture and distribution of stimulants, drug courier profiling, controlled delivery, coordination and improved liaison between law enforcement agencies, gathering of intelligence data at entry and exit control points, control of postal and courier parcels and prevention of corruption within drug law enforcement agencies. Those topics are of general interest and relevance to all the regions. However, illicit manufacture and distribution of stimulants is a growing problem of special concern to the Meeting of HONLEA, Asia and the Pacific, and was accordingly examined by one of its working groups.

10. Similarly, irrespective of the topics under discussion, most of the recommendations invariably highlighted the need to collect, disseminate, share and exchange information and intelligence in a timely and organized manner at the national, bilateral, regional and international levels for optimal benefits.

11. A clear policy on transborder cooperation was deemed necessary to promote effective cooperation among law enforcement agencies and specialized intergovernmental organizations such as the Universal Postal Union (UPU) and the Customs Cooperation Council (also called the World Customs Organization). Those organizations and developed countries with expertise to share with developing countries were called upon to provide assistance.

III. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY MEETINGS OF SUBSIDIARY BODIES

12. There was no review of implementation of prior recommendations during the meetings under review.

13. As reported to the Commission at its thirty-ninth session, in 1996, the status of implementation of recommendations adopted at meetings of subsidiary bodies would not be reviewed one year but rather two years after the adoption of recommendations in order to allow sufficient time for Governments to take action on them and to report on such action (E/CN.7/1996/10, para. 53 and E/CN.7/1996/10/Add.1, para. 21).

14. Thus, the new cycle calls for review as follows:

(a) Implementation of recommendations adopted at the Eighth Meeting of HONLEA, Africa, held at Kampala from 23 to 27 October 1995, will be reviewed at the Tenth Meeting, currently scheduled to be held at Abuja in 1998; recommendations adopted at the Ninth Meeting, held at Cairo from 16 to 20 June 1996, will be reviewed at the Eleventh Meeting;

(b) Implementation of recommendations adopted at the Twentieth Meeting of HONLEA, Asia and the Pacific, held at Jakarta from 18 to 22 September 1995, will be reviewed at the Twenty-second Meeting, currently scheduled to be held in Malaysia in 1998; recommendations adopted at the Twenty-first Meeting, held at Manila from 4 to 8 November 1996, will be reviewed at the Twenty-third Meeting;

(c) Implementation of recommendations adopted at the Seventh Meeting of HONLEA, Latin America and the Caribbean, held at Havana from 9 to 13 October 1995, will be reviewed at the Eighth Meeting, currently scheduled for the second half of 1997;

(d) Implementation of recommendations adopted at the thirty-first session of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East, held at Amman from 9 to 13 March 1996, will be reviewed at the thirty-third session; recommendations adopted at the thirty-second session to be held at Baku from 17 to 21 February 1997, will be reviewed at the thirty-fourth session.

IV. STATUS OF REGIONAL AND SUBREGIONAL COOPERATION

15. Beginning in 1995, an agenda item entitled "Current situation with respect to regional and subregional cooperation" was introduced. Reports on national trends in illicit trafficking have been circulated since then for information at the HONLEA meetings, but not discussed in detail. The meetings are informed only of new and important trends that have an impact on cooperation.

A. Meeting of Heads of National Drug Law Enforcement Agencies, Africa

16. Following an introductory statement on behalf of the secretariat, statements were made by the representatives of Burkina Faso, Côte d'Ivoire, Egypt, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Namibia, Nigeria, Togo, Tunisia and United Republic of Tanzania. The observers for Canada and France and for the International Narcotics Control Board and ICPO/Interpol also made statements.

17. It was recognized that illicit drug trafficking and abuse were on the rise. Their negative effects on socio-economic and political systems and on national security and regional stability were too serious to ignore. To combat the problem was a collective responsibility of all and cooperation between States was essential.

18. While such international cooperation was considered necessary in the fight against drugs, coordination between and within governmental agencies was equally important. With that in mind, a number of representatives reported on the establishment by their Governments of interministerial coordinating bodies to serve as focal points for the conception, implementation and coordination of drug control policies and of national and subregional cooperation.

19. Most of the representatives, in describing the sophisticated modus operandi of drug traffickers, emphasized the need to coordinate efforts and measures by means of cross-border investigations and the exchange of intelligence and information. To that end, they had concluded bilateral agreements for cooperation in the exchange of information and in mutual legal assistance in criminal matters. Those agreements enabled, *inter alia*, the assignment of liaison officers in neighbouring States and the provision to those States of information on trafficking routes and suspicious shipments. Successful arrests and seizures made as a direct result of close cooperation between neighbouring States were cited.*

20. Several representatives observed that the geographical location of their countries rendered them vulnerable to well-organized trafficking networks. As a further measure to tighten border control, their Governments had convened subregional meetings on security, with particular emphasis on strengthening ways and means of detecting smugglers and traffickers.

21. A cause for concern was the increased ability of drug traffickers and criminal organizations to operate internationally. Training of drug law enforcement officers to deal with this development was necessary. Countries with more experience and resources in the area had been conducting training courses for law enforcement officers from African States and Arabic-speaking countries outside the region.

22. The Meeting was informed of an agreement concluded in October 1995 between UNDCP and the secretariat of the Economic Community of West African States (ECOWAS). By virtue of that agreement, technical assistance and advisory services would be provided to a drug coordination unit to be established in the ECOWAS secretariat.

B. Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific

23. Statements were made by the representatives of Australia, Azerbaijan, India, Indonesia, Micronesia (Federated States of), Pakistan, Philippines, Republic of Korea, Tonga and Viet Nam, by the observers for the World Customs Organization and the Colombo Plan and by UNDCP.

24. In general the need for countries to support and assist one another with the exchange of information and mutual legal assistance was stressed. To facilitate cooperation, representatives described their country's adoption and continued support for informal agreements to permit the speedy exchange of operational information and more formalized agreements using memoranda of understanding to promote requests for mutual legal assistance in drug-related criminal prosecutions.

25. UNDCP detailed the various memoranda of understanding signed with countries in the region. Most notable were two regional memoranda that included commitments for cooperation in drug control matters by countries of both south-west and south-east Asia. The Meeting was informed of the most recent UNDCP projects being implemented in support of those regional memoranda. Particular attention was drawn to two projects aimed at increasing cooperation among the countries of south-east and south-west Asia with respect to the control of precursor chemicals. The signed commitment by both the South Asian Association for Regional Cooperation (SAARC) and UNDCP to cooperate in matters of drug control was also brought to the attention of the Meeting. Two forthcoming international meetings to be held under the auspices of UNDCP

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*After the Ninth Meeting of HONLEA, Africa, in June 1996, two important cooperation instruments were concluded in the region: (a) the Plan of Action on Drug Control in Africa, adopted by the Organization of African Unity (OAU) at its Thirty-second Assembly of Heads of State and Government, held at Yaoundé from 1 to 10 July 1996; and (b) the Protocol on Combating Illicit Drug Trafficking in the Southern African Development Community Region, adopted on 24 August 1996 at Maseru by the States members of the Southern African Development Community (SADC).

with strong support from both Japan and China were described as further evidence of the continuing spirit of cooperation among countries of the region: the first, to be held at Shanghai from 25 to 29 November 1996, would focus on amphetamine-type stimulants; the second, to be held in Japan in 1997, would address legal and practical issues for the most appropriate application of article 17, Illicit traffic by sea, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

26. Representatives advised the meeting of a number of agreements in the form of memoranda of understanding signed bilaterally with other countries or concluded on a multilateral basis with the assistance of UNDCP or regional organizations. The practice of entering into cooperative agreements had clearly increased and was the approach favoured by many countries to establish an international working relationship in drug control matters. Countries reported increasing numbers of drug-related investigations in which other countries had participated or provided assistance. Many of the examples cited by the representatives involved more than one other country, further evidence of the need for a legal base upon which to provide cooperation.

27. The representatives of India and Pakistan highlighted the continuance of their Governments' agreement to meet at regular intervals at the policy and operational levels to review and determine common approaches on drug-related problems affecting their common border, such as the movement of precursors and trafficking in heroin and other drugs, as well as on the establishment of systems for the regular exchange of operational information.

28. The agreement signed in 1994 between Pakistan and the Islamic Republic of Iran to promote the exchange of information and conduct joint training courses and joint patrolling is still in effect and receiving full support from UNDCP. In that connection, UNDCP has provided equipment to the border forces of the two countries. In view of the positive results from the joint project, Pakistan and the Islamic Republic of Iran have requested UNDCP to expand the project to cover their respective borders with Afghanistan. UNDCP is in the process of creating a security zone to combat trafficking from Afghanistan to the neighbouring countries. This arrangement will involve the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, which will work closely with each other. The value of organizations such as SAARC and ICPO/Interpol as a conduit for the exchange of information was commented upon by the representative of India.

29. The Federated States of Micronesia drew attention to the position of smaller countries that were vulnerable to the drug menace. Such countries, while not having a large problem by world standards, still required assistance and support in order to control problems associated with drug trafficking and money-laundering. With assistance from UNDCP, the Federated States of Micronesia had drafted legislation covering many of the requirements of the 1988 Convention, including provisions to control the proceeds of drug-related crimes and money-laundering.

30. The nineteenth meeting of Senior Officials for Drugs held at Hanoi from 16 to 20 September 1996, had addressed issues of regional cooperation between States members of ASEAN and was a further indication of the intent of south-east Asian countries to resolve drug control matters through cooperation.

31. A number of Governments in the region, while cooperating with one another in the field of drug control and related problems, also reported working closely with various States outside the region. Canada, France, Germany, United Kingdom of Great Britain and Northern Ireland and United States of America, as well as the European Community and ICPO/Interpol, continued to provide information and other assistance to many countries in support of drug and financial investigations and controlled deliveries. Those countries and organizations, together with Australia, Japan and New Zealand, were complimented by a number of representatives for having provided training assistance in the fields of drug law enforcement and financial investigation. The observer for the World Customs Organization drew attention to the Regional Intelligence Liaison Office, currently headquartered at Hong Kong, as a source of information and a conduit for its exchange.

32. Australia was pleased to advise that the High Court decision reported to the Twentieth Meeting of HONLEA, Asia and the Pacific, ruling that controlled deliveries were illegal in Australia had been superseded by new legislation.

33. Attention was drawn to the value of drug liaison officers in providing instant access to the law enforcement agencies of their respective countries in support of drug investigations and in contributing expertise to the drug enforcement agencies in the host country. The practice of stationing drug liaison officers was supported and countries of the region were encouraged to implement similar programmes.

34. Many representatives referred to an increasing concern about money-laundering and the need to address the problem. Legislation in a number of countries was still not suited to combating the problem and assistance in developing relevant legislation was required from UNDCP and other organizations and countries with experience in that area. States that had not yet become parties to the 1988 Convention were urged to do so and to implement its provisions on money-laundering. It was noted, however, that a number of States in the region lacked the necessary tools, including trained personnel, to conduct financial investigations or to assist others with such investigations. Training was required on a priority basis from those States and international organizations with appropriate expertise to ensure that States of the region could cooperate in financial investigations.

V. ORGANIZATION OF FUTURE MEETINGS

35. Because of the financial crisis facing the United Nations, it has become necessary to postpone a number of meetings. The meetings currently scheduled for 1997 are as follows:

(a) The thirty-second session of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East, to be held at Baku from 17 to 21 February 1997;

(b) The Eighth Meeting of HONLEA, Latin America and the Caribbean, to be held at Santiago, Chile, during the second half of 1997.*

The outcome of the meeting of the Subcommission will be the subject of a separate report to the Commission (E/CN.7/1997/4/Add.2).

36. For the provisional agenda for the Eighth Meeting of HONLEA, Latin America and the Caribbean, currently scheduled to be held at Santiago, Chile, during the second half of 1997 unless an invitation is received from a Government in the region to host it, see paragraph 5.

37. For the provisional agendas of the Tenth Meeting of HONLEA, Africa, currently scheduled to be held at Abuja in 1998, and the Twenty-second Meeting of HONLEA, Asia and the Pacific, currently scheduled to be held at Kuala Lumpur in 1998, see paragraphs 6 and 7, respectively.

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*In the absence of a government offer to host a meeting, the subsidiary bodies meet at the headquarters of the regional commission.

VI. DISCUSSION AT THE INFORMAL INTER-SESSIONAL MEETINGS OF THE COMMISSION ON IMPROVING THE EFFICIENCY OF MEETINGS OF THE SUBSIDIARY BODIES OF THE COMMISSION

38. During the informal inter-sessional meetings of the Commission held on 27 September and 11 December 1996, the question of improving the efficiency of meetings of the subsidiary bodies was discussed. While recognizing that the HONLEA meetings and the sessions of the Subcommission were important as regional forums to examine issues of concern to the respective regions, it was suggested that the agendas of the meetings might be even more concrete. Following up on that suggestion, it was proposed that the meetings of the subsidiary bodies to be held during 1997 could also serve as a filter for subjects to be examined by the General Assembly at its special session on international drug control in 1998. It will therefore be proposed that an item be added to the agenda of each of the subsidiary bodies, entitled "Review of issues for consideration by the General Assembly at its special session on international drug control in 1998".

39. Though there was agreement that the subsidiary bodies should continue to meet on a regular basis, there was no consensus with respect to the frequency of meetings. Some representatives were of the view that the unique role of the meetings of the subsidiary bodies warranted annual sessions, whereas others favoured biennial sessions in order to make rational use of scarce resources while allowing sufficient time for follow-up action. It was proposed that, should a biennial approach be adopted, special meetings of the subsidiary bodies could be convened if necessary. At the same time, there was strong support for the Subcommission to continue to meet on an annual basis. It was urged that, if the frequency of meetings of all the subsidiary bodies was to be harmonized, the situation specific to each region should be taken into account.